

BOARD OF APPEALS CASE NO. 5080

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BEFORE THE

APPLICANT: Tania Gesheff

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an attached garage within the required front yard setback; 2109 Hampshire Drive, Fallston

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 9/1/00 & 9/6/00

HEARING DATE: October 2, 2000

Record: 9/1/00 & 9/8/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Tania Gesheff, is requesting a variance pursuant to Section 267-35B, Table III, of the Harford County Code, to construct a garage within the 40 foot front yard setback (33 feet proposed) within an RR/Rural Residential District.

The subject property is located at 2109 Hampshire Drive, Fallston, Maryland 21047 within the subdivision of Round Acres. The parcel is more particularly identified on Tax Map 47, Grid 1D, Parcel 442, Lot 6. The subject parcel consists of 0.5138± acres, is zoned RR/Rural Residential and is entirely within the Fourth Election District.

The Applicant appeared and testified that she intends to construct a 24 foot by 46 foot, two car garage that will be attached to her home. The garage will match the existing house in terms of siding and roof materials. The Applicant stated that her lot is a corner lot, therefore it is subject to two front yard setbacks making the property unique. Additionally, to the rear of the house is the septic area which prohibits construction in that location. The Applicant stated that the garage is in keeping with similar garages that have been added to other homes in the neighborhood and she did not feel that there would be any materially adverse impacts as a result of the construction.

Two neighbors, Jackie Gray and Joanne O'Hara appeared and testified in support of the application. Both witnesses felt that the Applicant had made improvements to the property and that the addition of the proposed garage would be compatible with the neighborhood and further improve the livability of the subject home.

The Department of Planning and Zoning supported the request based on the existence of unique topographical features, namely, the existence of two front yard setbacks resulting from the corner lot configuration.

Case No. 5080 – Tania Gesheff

There were no persons who appeared in opposition to this request.

CONCLUSION:

Section 267-35B, Table III requires a 40 foot front yard setback for structures in the RR District.

Section 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

In this case, the Applicant has demonstrated that her property is constrained by unique topographical features, namely, the existence of two front yard setbacks. Further constraining the building envelope is the location of the septic system. The proposed garage is compatible with the neighborhood and satisfies all other conditions of the Code.

The Hearing Examiner, therefore, recommends approval of the Applicant’s request, subject to the following conditions:

1. The Applicant obtains all necessary permits and approvals.
2. The garage shall not be used in furtherance of a business.
3. The garage shall not be used to store commercial or contractor’s equipment.

Date DECEMBER 5, 2000

William F. Casey
Zoning Hearing Examiner